

**2011 Regular Session Summary  
By  
Kentucky Department of Education**

With 1,150 bills and resolutions filed, the 2011 Regular Session ended sooner than expected. However, the Governor called a Special Session of the General Assembly the very next day to try to reach a compromise on the Medicaid budget. While the Special Session is ongoing, the veto period for the Regular Session ended Monday, March 21, at midnight, so bills that were enacted and approved by the Governor are now laws or soon will be. The effective date of all legislation is June 8, 2011, except for those bills with emergency clauses, which take effect upon the Governor's approval.

*There were six bills that passed dealing with education. Summaries of those bills follow:*

**SB 12**

After several attempts in previous sessions to redefine the principal selection process, a compromise was forged allowing superintendents a role in replacing outgoing principals. SB 12 amends KRS 160.345 regarding principal selection. The language makes a few changes. First, it requires the superintendent to provide additional qualified applicants to the principal upon his/her request regarding a principal vacancy. Second, if there is a principal vacancy, the outgoing principal cannot serve on the council during his/her replacement selection process. Instead, the superintendent or his/her designee will serve as the chair of the council during the selection process and has voting rights. Third, the council must have all of the applications of those who applied for the position and who are certified for the position. Fourth, the new principal must be elected on a majority vote of the membership of the council. Last, the new law also prohibits any principal who has been removed from a position in the district for cause to be considered for appointment as a principal.

**HB 192**

This bill creates a new section KRS 158 related to **voting instruction**. The new language requires every high school to provide 12<sup>th</sup> graders information on how to register to vote and how to use a ballot and an absentee ballot. There are no prohibitions on how schools may disseminate this information. Most, if not all high schools, provide voter information currently and the bill isn't prescriptive, but rather districts can continue educating students on the importance and logistics of voting.

**HB 425**

The first section of the bill amends KRS 163.032. The statute has always required KDE, along with the Personnel Cabinet, to adopt a salary schedule for administrators at the Kentucky School for the Blind and the Kentucky School for the Deaf. The updated language provides how the Department and the Cabinet establish rates of pay and requires the computation to be done by September 1 rather than August 1 of each year.

The second part of the bill adds a new section to KRS 164 allowing the governing board of a Kentucky public university to adopt a tuition policy granting any veteran who: 1) is eligible for post 9/11 GI Bill benefits; and 2) who enrolls as a student but isn't a Kentucky resident, to not be charged more than the maximum tuition reimbursement provided for eligible Kentucky residents.

**HB 427**

There were several calendar bills filed this session. All of those bills failed, but some language regarding school calendars survived was attached to this bill regarding field trips in the last days of the session.

The first section focuses on amending KRS 161.185 to require **classified or certified staff** to accompany students on school sponsored non-athletic field trips. This provision replaces language that said **school faculty or a member of the administrative staff**. This has been the

practice in many districts and the intent was to update statutory language to reflect district practice.

There are two primary additions regarding school calendars.

Section 2 of the bill provides statutory reference for the **snow bound pilot** projects KDE has been working on with a handful of districts that have been approved to participate. The project is designed to assist local districts, primarily in eastern Kentucky, that have missed an average of 20 or more days over the last three years due to inclement weather and other emergency situations. The intent of the program is to provide opportunities for alternative methods of instruction such as virtual, so that these districts can provide instruction on what would traditionally be a "snow day".

Sections 3-5 add language related to **school calendars for the 2010-2011** school year.

Section 3 allows the Commissioner to grant a request to waive makeup of instructional days scheduled to occur after June 21 if the days in the approved calendar designated as makeup days have been used.

Section 4 allows districts to amend the school calendar. If a district adds at least 30 minutes a day, this will count for BOTH hour and day requirements. If amended under this provision and if the district has 1,062 hours and the number of days are less than 170, this does not trigger the innovative calendar regulation and they will have satisfied the calendar requirement.

The language also provides that districts may still amend their calendars from 1 minute to 29 minutes. However, if they do this, the above provision does not apply and districts must have at least 170 six-hour days and 1,062 hours. The 1-29 minutes **CANNOT** be used to make-up days.

The new provision only gives districts that amend 30 or more minutes the opportunity to make up days as well as hours and removes them from the innovative requirement if they are below 170 days.

Section 5 is an emergency clause and as the bill has been signed by the Governor, the language is in effect.

#### **HB 428**

HB 428 addresses the current situation in Lyon County where a fairly new school building has been condemned and is uninhabitable. While the district is in litigation, the General Assembly is directing KDE to provide funding to either retire the unpaid debt or provide the semi-annual debt service payments on the current issue. If funds are not available at KDE, the costs must be deemed a necessary government expense (NGE).

Upon completion of the litigation and if the district receives any financial compensation, the district must repay the budget reserve trust fund account. This bill also had an emergency clause and is effective immediately.

#### **HB 464**

The bill creates a new section of KRS 156 to require KDE to promulgate administrative regulations related to the State Textbook Commission. KDE has promulgated regulations in 704 KAR 3:455 to address the provisions outlined in the bill regarding factual errors found in textbooks.

*There were also several resolutions that were adopted. All of the Kentucky Board of Education appointments were confirmed. Two resolutions of note deal with children's health and how schools address health issues for students.*

**HCR 13**

This concurrent resolution creates a Legislative Task Force on Childhood Obesity. The task force will meet at least monthly during the 2011 Interim of the General Assembly. The final task force recommendations and findings must be reported to the Legislative Research Commission and the Interim Joint Committee on Health and Welfare by November 30, 2011. It is expected that KDE and other state government agencies dealing with children will present information about how they interact with children's health issues.

**HR 187**

This resolution encourages the Kentucky Department of Education, the Kentucky Board of Nursing, the Kentucky Education Association, and the Kentucky School Boards Association to work with the American Diabetes Association, the Epilepsy Foundation of Kentucky, and the American Lung Association to develop a plan to raise awareness among Kentucky public school personnel about the chronic health conditions of asthma, diabetes, epilepsy, and severe allergies. This plan should include how to recognize a chronic health condition episode, and how to respond to chronic health condition episodes.

While the resolution doesn't mandate any action, it encourages the Kentucky Department of Education, the Department of Public Health, and the Department of Medicaid Services to review administrative regulations and agreements to determine if there are any unidentified barriers in practice now.

KDE currently works with these groups on a variety initiatives, including issues related to students with chronic health conditions and will continue to do so.

*Other resolutions that were adopted were:*

**SR 83**

Honor the Fairview Lady Eagles cross country team upon winning the 2010 Kentucky Class A girls state championship.

**SR 87**

Adjourn in honor of the Madisonville North Hopkins High School Marching Maroons for winning the 2010 KMEA Class AAAA Marching Band Championship.

**SR 88**

Recognize and honor Laureen Laumeyer, 5th grade teacher at Meadow View Elementary School in the Hardin County school district, on being selected as the National Mission US Educator of the Year.

**SR 100**

Recognize February 24, 2011, as Literacy Day at the Capitol and honor the Collaborative Center for Literacy Development and the Reading Recovery Program for their efforts to promote literacy across the state.

**SR 218**

Confirm the gubernatorial appointment of Mary Gwen Wheeler to the Kentucky Board of Education representing the Fourth Supreme Court District for a term ending April 14, 2014.

**SR 226**

Confirm the gubernatorial reappointment of Judith H. Gibbons to the Kentucky Board of Education representing the Sixth Supreme Court District for a term ending April 14, 2014.

**SR 227**

Confirm the gubernatorial reappointment of C. B. Akins, Sr. to the Kentucky Board of Education representing the Fifth Supreme Court District for a term ending April 14, 2014.

**SR 228**

Confirm the gubernatorial appointment of Jonathan V. Parrent to the Kentucky Board of Education representing the First Supreme Court District for a term ending April 14, 2014.

**SR 229**

Confirm the gubernatorial appointment of William L. Twyman to the Kentucky Board of Education representing the Second Supreme Court District for a term ending April 14, 2014.

**SR 230**

Confirm the gubernatorial appointment of Roger L. Marcum to the Kentucky Board of Education representing the Third Supreme Court District for a term ending April 14, 2014.

**SR 231**

Confirm the gubernatorial appointment of Martha M. Jones to the Kentucky Board of Education representing the Seventh Supreme Court District for a term ending April 14, 2104.

**HR 79**

The House of Representatives designates February 28-March 5 as Recording for the Blind & Dyslexic Week.

**HR 129**

The House of Representatives urges the Kentucky Department of Education, if funding is available, to evaluate the effectiveness of intervention programs available for K-2 remediation and to make the results available to the public.

**HR 137**

Recognize and commend Kentucky Educational Television (KET) for its decades of service to the Commonwealth.

**HR 141**

Adjourn in honor of North Hardin boys' basketball Coach Ron Bevars for winning his 768th game and becoming the most winning coach in Kentucky high school history.

**HR 152**

Adjourn in honor of the Madisonville North Hopkins High School Marching Maroons for winning the 2010 KMEA Class AAAA Marching Band Championship.

**HR 164**

Designate February, 2011, as Kentucky Negro Educational Association, Inc. month, and the 2011-2020 decade as the Decade Toward Excellence in African American Studies.

**HR 165**

Adjourn in honor of Rowan County Senior High School student Hannah Mabry for discovering a rare pulsar.